THE HON'BLE SRI JUSTICE V.V.S.RAO

-

WRIT PETITION No.19841 of 2005

-

Dated:24.03.2006

-

-

Between:

E.Bhagawandas, S/o.Late Dr.E.N.Das.

…Petitioner

And

The Government of Andhra Pradesh, rep. by its Secretary, Revenue Department, Secretariat, Hyderabad, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19841 of 2005

ORDER:

The petitioner assails the notification, dated 30.08.2004, issued by the first respondent vide G.O.Ms.No.609, dated 18.08.2004, purportedly, issued in exercise of their powers under Section 22-A of the Registration Act, 1908, as amended by the

Andhra Pradesh Act No.4 of 1999.

It is brought to the notice of this Court that a Division Bench of this Court comprising their Lordships Hon'ble the Chief Justice, G.S.Singhvi, and Hon'ble Sri Justice R.Subhash Reddy, in W.P.No.14099 of 2003 and batch, declared Section 22-A of the Registration Act as ultra virus, being violative of Article 300A of the Constitution of India. The Division Bench followed the judgment of the Supreme Court in **State of Rajasthan v. Basant Nahata.** A copy of the unreported judgment, dated 07.12.2005, is placed before this Court.

Following the same, this Writ Petition is allowed, declaring impugned notification insofar as Survey No.74 situated in Marredpally Paiga, in Marredpally Mandal, Hyderabad District, is concerned, as ultra virus. This, however, does not preclude the Registering Officers/Registering Authorities from considering the objections raised by anybody, as and when any sale deeds are presented by the petitioner or others in respect of the land in question. No costs.

_____

(V.V.S.RAO, J)

24.03.2006

Note: Issue C.C by 27.03.2006.

B/o.

vs